

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F030633      In re Delmar Falls On Habeas Corpus**

Let a writ of habeas corpus issue directing the Kings County Clerk to file said notice of appeal in action No. 95CM7358, to deem it timely filed and to cause copies to be filed in this court and served on the parties etc.

**F032262      In re Ruben M. et al., Minors**

Submission of this case having been deferred, the case is now submitted for decision.

**F031135      People v. Carter**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F031574      In re Robert G., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032207      In re Stevi S., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F027217      Replogle v. Visalia Community Bank**

The above-entitled case is submitted for decision.

**F031369      People v. Luque**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F033322      Piatek v. Superior Court of Kern County; People of the State of California**

The petition is granted. Let a peremptory writ issue prohibiting the trial court from retrying petitioner on the “Three Strikes” allegations and directing respondent to resentence petitioner in accordance with this court’s prior opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F028674      Thomas v. Pacheco**

The judgment is affirmed. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 26(a).) Thaxter, J.

I concur: Levy, J. (Dissenting opinion by Stone (W.A.), Acting P.J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]